

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the matter of

Petition of)	
Community Broadcasters Association)	RM-9260
for Establishment of a "Class A")	
Television Service)	

To: Federal Communications Commission (Mail Stop 1170)

Comments of D Lindsey Communications

These comments are filed by D Lindsey Communications (DLC), Licensee of low power television station KFMG-LP, Temecula, California.

1. The Community Broadcasters Association (CBA) has petitioned the Commission in the above captioned proceeding to adopt rules to establish a "Class A" television service. The Class A license would be available to existing LPTV stations that meet certain criteria, and a Class A station would have "primary status." The displacement and/or complete loss of LPTV stations which are providing local programming to their respective areas could be avoided in some cases. DLC supports this petition and offers specific comments and information.
2. KFMG-LP is located in fringes of the Los Angeles DMA and serves the communities Temecula and Murrietta. We are the only television station in the DMA providing significant local news and public affairs programming.
3. Historically these communities have had to rely on Los Angeles television stations for news and information, and unless it is a major story, these station do not cover our area with local news. KFMG-LP is now providing the only such local news for these communities located within the Los Angeles DMA. KFMG-LP maintains a full time 24 hour broadcast schedule with live color Doppler radar and interrupts normal programming in the event of a weather emergency. KFMG also interrupts local programming whenever an EAS activation occurs, with news and information about local emergencies. We are a vital resource to our communities, and provide a local service unduplicated from any other station in the DMA.
5. Although KFMG-LP is a vital resource to its community, we face displacement and possible total elimination due to the implementation

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of DTV. KFMG-LP's Channel 67 has DTV assignments on both adjacent channels assigned to a stations 90 miles away, forcing KFMG-LP to seek an alternative frequency on which to operate. Even if another channel can be found, we face the possibility that it may be forced into a spectrum auction in order to remain on the air.

6. Class A status would prevent the future loss of KFMG-LP and other similar LPTV stations. DLC believes that the creation of the Class A television service is vital to the future of KFMG-LP.

7. DLC believes that the CBA petition does not adequately address some interference issues. The CBA petition would require that a Class A station not cause interference to the grade B contour of a full service station or the protected contour of an LPTV. DLC believes that this area of the proposal needs further definition.

8. Under current rules, a new LPTV cannot cause interference to an existing LPTV. However the new LPTV can accept as much interference as it wants from the existing LPTV. Under the CBA proposal, the existing LPTV would not be eligible to upgrade to Class A because it would be interfering with the new LPTV. A better alternative for the criterion concerning LPTV to LPTV interference would be to merely require a statement that the Class A applicant is operating in accordance with its construction permit or license and would not cause any additional interference to any existing full service grade B contour or LPTV protected contour.

9. A similar situation could exist where a full service station has increased power or changed transmitter location resulting in an interference contour overlap by an LPTV station. In this event, the LPTV should be allowed to upgrade to Class A and to continue to operate until actual interference occurs and the interference cannot be eliminated by remedial measures. In the meantime, such a station should be given the opportunity to eliminate the conflict through filing of a displacement application. The displacement application should be considered a minor change as they have been in the past. After the establishment of Class A service, full service stations should not be allowed to increase power or move location where additional interference would be caused to or received from an existing Class A station.

10. DLC further believes that methods to show absence of interference should be allowed such as terrain shielding, directional receiving antenna factors, lack of population, and interference already existing from other sources. These showings should be acceptable for NTSC to NTSC, NTSC to DTV, and DTV to DTV situations. These methods would be particularly

useful in an NTSC to NTSC co-channel situation with no offset where a D/U ratio of 45 dB is required by current LPTV rules. This often results in a station being protected in an area far outside its market area and where it is already not receivable due to existing interference.

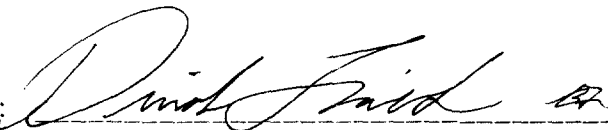
11. Another concern with the CBA proposal is the requirement to broadcast programming "within the principal city contour of the station." Due to the nature of LPTV stations, many LPTV stations fail to cover their entire communities with such a strong signal and there is no current requirement to do so. DLC suggests an alternate definition of local programming such as the station's market area, DMA, or SMA. Another simple alternative is to define local programming as that produced within 35 miles of the station's transmitter location. If the Commission believes strongly in defining local programming by coverage contour, DLC suggests specifying 54 dBu for UHF stations and 45 dBu for VHF stations.

12. As suggested in the CBA petition, the programming should be considered local if it is within the local area of any of a group of commonly programmed stations.

13. DLC agrees with the CBA proposal to allow Class A stations to use regular four letter call signs. It has been our experience that the use of other types of call signs is confusing to the public.

14. DLC supports the CBA proposal, including those sections not specifically referred to in these comments, and urges the Commission to adopt it in the soonest possible time frame.

Respectfully Submitted,
D Lindsey Communications
Temecula, CA
909-699-6067

Signed: 

May 21, 1998